

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 3517 - SB 3412

March 14, 2012

CORRECTED SUMMARY OF BILL: Revises the definition of fetus as a victim in the context of criminal homicide and aggravated assault offenses to remove the viability requirement and to include an embryo.

ESTIMATED FISCAL IMPACT:

On February 28, 2012, a fiscal note was issued estimating a fiscal impact as follows:

*Increase State Expenditures - \$66,800/Incarceration**

Based on additional information from the Department of Correction and further review, the estimated impact is:

(CORRECTED)

NOT SIGNIFICANT

Corrected Assumptions:

- Chapter 408 of the Public Acts of 2011 broadened the offenses of aggravated assault and criminal homicide committed against a pregnant woman to include the fetus, regardless of viability, as a victim.
- The proposed legislation removes “fetus of a human being, regardless of viability of the fetus” and replaces it with a “human embryo or fetus at any stage of gestation in utero.”
- According to the Department of Health, there are distinct definitions for fetus and embryo. The embryonic period extends through the end of the eighth week. After the eighth week, the developing human is called a fetus.
- According to the Department of Correction, there will not be a significant fiscal impact to the Department as a result of the revised definitions for these offenses that include embryo.
- Any increase in admissions for these offenses is estimated to be not significant and can be accommodated within existing resources without an increased appropriation of reduced reversion.

HB 3517 - SB 3412 (CORRECTED)

*Tennessee Code Annotated, Section 9-4-210, requires that: *For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

/lsc